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AUTHOR Kantor, Glenda Kaufman; Stevens, Anne O'Brien
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ABSTRACT

In this decade, the pervasiveness of wife abuse across all segments of society has become more evident to the public, leading to a redefinition of it as criminal. This social change, based on the collective response of feminists, battered women's advocates, and legislators, has altered laws on family violence in some 43 states. While new laws appear to have forced a more vigorous response to wife abuse cases by criminal justice system members, new legislation per se has not changed the system's response. Problems persist in the criminal justice system response to wife abuse, and there is difficulty in implementing new laws, in enforcing protective orders, and in categorizing domestic violence as criminal even though a possible consequence is death to a spouse. This paper uses the theoretical framework developed by Freeman (1975) to describe social change to show how the organized efforts of Illinois feminist attorneys and battered women's advocates changed state law and the structure of the Cook County First Municipal District Court. A social control perspective delineated by Madoo Lengerman, and Wallace (1985) is used to analyze data obtained from an evaluation of the Chicago court. (NB)

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REFLECTIONS ON THE SOCIAL CONTROL OF WOMEN AND SOCIAL CHANGE PROCESSES: AN EVALUATION OF THE CENTRALIZED DOMESTIC VIOLENCE COURT IN CHICAGO, ILLINOIS

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Glenda Kaufman Kantor
Family Research Laboratory, University of New Hampshire
Durham, N.H.

Anne OBrien Stevens
Chicago Law Enforcement Study Group, Chicago, IL

In this decade, the pervasiveness of wife abuse across all segments of society has become more evident to the public, leading to a redefinition of it as criminal. This social change based on the collective response of feminists, battered women s advocates and legislators has altered laws on family violence in some 43 states (Lerman, Livingston and Jackson, 1983). In turn, new laws appear to have forced a more vigorous response to wife abuse cases by criminal justice system members. However, as some researchers have noted (Lerman, Livingston and Jackson,1983; Stanko, 1981) new legislation per se has not changed the system s response. Instead, it provided the instrument by which victims and their advocates promote better criminal justice services. Even when system efforts to deter wife abuse are in place, problems implementing new domestic violence laws occur in Illinois, as well as in other states.

Recent newspaper articles suggest these difficulties are wide-spread. Although, for example, the 1978 Massachusetts "Abuse Prevention Act" (1978) requires police to arrest if a protective order has been violated,[1] a recent case in Boston (Hechinger, 1986) illustrates some of the problems. A long-abused wife, separated from her husband, "protected" by a restraining order was abducted at gunpoint by her husband at her workplace. The police were called, a barricade was set up and the husband was shot and killed upon crashing the barricade. The article then summarizes police difficulty in enforcing protective orders, failures to inform victims of their rights, reluctance to make arrests, lack of time for case follow-up, and overall inconsistent enforcement of the law.

Despite the Pennsylvania civil Protection from Abuse Act of 1979, a recent article (Fleeson, 1986) reports the case of a woman shot to death by her estranged husband after she accused him of beating and sexually abusing her. He eluded arrest on three different warrants: one for failure to appear in court on an order of protection; a second for failure to report to a probation officer; a third for shooting his wife s new boyfriend. Only the criminal court issued warrant for failure to report to his probation officer is put into the police computer. The husband remained at large until he killed his wife.[2]

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These incidents illustrate that while social and structural changes have occurred, problems persist in criminal justice response. Though the instrumentation for improved response is in place, there is difficulty in implementing new laws, in enforcing protective orders, in categorizing domestic violence as criminal even though a possible consequence is death to one of the parties.

Using the theoretical framework developed by Freeman (1975) to describe social change, we will show first how the organized efforts of Illinois feminist attorneys and battered women's advocates changed first state law and then the structure of the Cook County First Municipal District Court. Secondly, a social control perspective, as delineated by Madoo Lengerman and Wallace informs our analysis of data obtained from an evaluation of the Chicago court.

Social Change and the Creation of Illinois Domestic Violence Law

Social change occurs when certain conditions are present often within a context of crisis (Freeman, 1975). For example, changes in gender relations toward gender equality occurred because tensions inherent in the inequality of gender arrangements were used by the women's movement to develop social innovations and social power through collective mobilization (Madoo Lengerman and Wallace, 1985). Though Freeman (1975) focuses on political means of social change such as statute and case law, she emphasizes administrative enforcement and "active, organized effort by the beneficiaries to encourage and facilitate their members taking advantage of special programs as well as make demands on the system to improve these programs."

As we will show, the last of these conditions was probably the most salient in Illinois efforts to create both new domestic violence law and to implement this law in the courts. It was also apparent that the domestic violence reform movement benefitted both experientially and by precedent (Freeman, 1975) from the groundbreaking accomplishments of prior movements: civil rights, women's liberation and the battered women's shelter movement.

In particular, effort made to aid battered women were concerned not only with the need for safe shelter, but also with remedying legal institutions' failure to treat family violence as a crime. Though some of this effort was directed at the State of Illinois, a "crisis" was generated in Chicago, where public awareness of domestic violence had risen, shelter space was limited, emergency police calls (911 calls) overwhelmed police, and police often advised abused women to "kiss and make-up" and batterers to "cool-off" (Reed et al., 1983).

From 1977 through 1979, the Legal Center for Battered Women, a project of the Legal Assistance Foundation of Chicago, provided about 4500 battered women with advice and support in criminal court, as well as direct legal representation in domestic relations court. In addition the

center was in contact with many groups assisting battered women, including the Chicago Police Department, the Cook County State's Attorney and the public media.

In 1978, the Legal Center negotiated the first Chicago police order on battered women recommending specific situations in which arrest was appropriate. Yet as late as 1982, a study of Chicago police (Reed et al; 1983) found that despite the police order, arrest wase a rare occurrence in wife abuse calls. New state level efforts were required, and the Center elicited legislative support in developing the Illinois Domestic Violence Injunction Act, a forerunner of the current Illinois Domestic Violence Act (IDVA).

Attempts in 1978 and 1979 to amend the Injunction Act to provide a wider range of sanctions and proscribed activity failed. These discussions of marital rape, criminal penalties for violations of injunctions, and possible application of this law to non-married cohabitants, nevertheless, contributed to the education of legislators about the problem of domestic violence.

The Illinois Coalition Against Domestic Violence (ICADV) was formed in 1980. After studying national efforts to reduce such violence, legislation became the Coalition's main priority. This group coordinated a statewide lobbying effort involving service providers and legislators, while marshalling other groups' endorsements.

Mobilization and organization were also going on in Chicago, where in 1980, individuals and agencies concerned with the provision of services to battered women joined to form the Chicago Metropolitan Battered Women's Network (CMBWN). Members of this group endorsed the legislative reforms and obtained the support of the Legislative Support Center, the government relations arm of the Chicago Legal Assistance Foundation (LAF). Two CMBWN members, feminist attorneys developed initial drafts of the proposed act; their work was reviewed by LAF's Women's Law Project. Under the primary leadership of a liberal state representative, this bill was introduced by its bi-partisan sponsors, passed in June 1981, and became effective in March, 1982.

The efforts detailed above reflect highly mobilized and skilled use by women of expert power and influence to effect changes in the social structure. But new legislation alone does not effect change. Despite the comprehensiveness of the new law, which defined domestic violence as a serious crime, some observers, particularly members of CMBWN believed little had changed. Victims requesting judicial intervention seemed to be discouraged from prosecuting criminal cases. In those few cases coming up for prosecution, the view that the husband's actions were not criminal frequently seemed to be reaffirmed.

Once again CMBWN mobilized its members for action. They conducted training sessions with police, sheriffs and state's attorneys; provided non-lawyer advocates to accompany battered women victims to court; developed a court watching project to document system practices. The

latter demonstrated that IDVA was either enforced selectively or disregarded completely. Victims reported that police officers continued to refuse to make arrests, either for battery or for violation of protective orders; that police failed to provide information to victims about their right to transportation, shelter and other support services; that some refused to document even the severest forms of physical injury. Further, they reported that prosecutors continued to discourage victims from making formal complaints, and often were reluctant to request protective orders. Judges, they reported, continued to deny requests for protective orders, particularly those including temporary custody of children and exclusive possession of the family residence, both allowable provisions of IDVA. The court watching project found a 6.7% conviction rate for all observed cases.

In response to the study's findings, CMBWN designed a pilot court project. This pilot was to to serve as a model program to improve services to victims of family violence who had filed a criminal complaint.

DOMESTIC VIOLENCE COURT ADVOCACY PROJECT: ORGANIZING IN A POLITICAL CONTEXT

CMBWN's planning committee developed a model domestic violence court with several major features. Primary of these was centralizating domestic violence services in a single courtroom in which non-lawyer advocateswould be available. Because one of the goals was to increase the number of criminal prosecutions, CMBWN members decided the appropriate division of the courts to be the Municipal District level, the courts hearing misdemeanor cases and preliminary hearings in felony cases.

Using their impressive array of past negotiations and alliances with the community, the judiciary, prosecutors and police, CMBWN developed a groundwork of system support before presenting their proposal to the Presiding Judgeof the Municipal District Courts. Political crisis also facilitated their efforts. An FBI investigation, codenamed "Operation Greylord", was widely reported in the press; the indictment of some sitting judges in the Municipal Division further damaged already low public opinion of these courts. CMBWN's proposal created an opportunity for the Presiding judge (himself,later convicted) to respond positively to a community initiative. In this short-lived political climate, the judge and Network representatives agreed to establish a special domestic violence court in one location, serving an established geography court for a limited time. This court would serve not only as an experiment in system response, but would provide an opportunity to evaluate IDVA's implementation.

SOCIAL CHANGE AND SOCIAL CONTROL OF WOMEN :THE ROLE OF THE COURTS

The patriarchal concepts of women as property, family sanctity and privacy, and toleration of wife beating are manifest in the criminal justice system's failure to proscribe wife abuse. Coercive control of

women through the exercise of force has been one institutionalized means of maintaining women s subordinate status. The legal euphemism for this coercion,"chastisement", was integral to English and American Law until the late 1800's (Davidson, 1977; Dobash and Dobash, 1977; Kuhl, 1981). By the late 19th century, the "rule of thumb" had been overturned by laws prohibiting wife abuse in most states (Reed et al, 1983). However, while de jure reform occurred, de facto enforcement of domestic violence law was minimal (Okun, 1986). Values supporting family privacy and legitimating wife abuse held primacy over legal change.

Recent "discovery" of wife abuse as both a social problem and crime has been due, largely, to feminists. Awareness and intolerance of domestic violence have occurred in a context in which changing family structure is accompanied by women s increased labor force participation and consequent gains in economic power. All of the latter factors have altered social control relationships (Klein, 1982).

While police response to domestic violence has been fairly extensively researched (Black, 1980; Langley and Levy, 1978; Loving, 1980; Parnas, 1971; Reed et al, 1983; Sherman and Berk, 1984; Stephens, 1977; Wilt et al; 1977) there has been little empirical examination of the courts. However, police-focused research has attributed at least some police frustration and lax enforcement to the lenient response of the courts (Reed et al, 1983.

The existing literature on court response, though scant does identify a number of common problems among which prosecutorial inadequacies have been particularly emphasized. One major instance is the screening of cases in ways which limit the number of batterers prosecuted (Field and Field, 1973; Lerman, 1981; U.S.Commission on Civil Rights, 1982). One study (Lerman, 1981) shows prosecutors rejecting 43% of spousal battery cases while rejecting only 17% of stranger battereies. Prosecutorial practices reflect the perception that most victims drop charges and domestic violence cases have received low priority. In screening cases, prosecutors actively discouraged victim complaints (Ford, 1983; U.S.Commission on Civil Rights, 1982); persuaded victims to accept inappropriate, lesser misdemeanor charges (Eisenstein and Jacob, 1977), and in some cases, refused to bring charges because they believe women precipitate violence or that violence is mutual (U.S. Commission on Civil Rights, 1982).

Conviction rates in family assaults are lower than those for stranger to stranger cases (Smith, 1983). Field and Field (1973) noted that family violence cases differ from other violent crimes in that prosecution is discretionary with the victim. Judges and prosecutors delay the process, testing victim determination sometimes to the breaking point, and placing some women at risk for further abuse (Field and Field, 1973; Ford, 1983). Moreover, courts are accused of implicitly approving wife abuse by not imposing criminal penalties on family batterers. Civil Rights Commission testimony (1982) shows judges not treating repeat offenders more seriously, despite the potential for danger in such cases; discouraging police from taking complaints from women who have repeatedly dropped

charges; being hostile to new protective orders; and providing dispositions which do not reflect the severity of the offense. Finally, the Commission reported almost unanimous agreement among justice system members that battered women are less likely than other crime victims to press charges in the first place.

Judicial practices in wife abuse matters seem to be major determinants of prosecutorial, police and victim behavior. Judicial attitudes, like those of prosecutors and police, often reflect the prejudice that women are masochistic, women use the courts to punish their husbands, and that victims are equally culpable (U.S.Commission on Civil Rights, 1982). Whether spousal violence is a family or a criminal matter is part of the legal dilemma over court venue: does civil or criminal court provide the appropriate jurisdiction in these cases. What judges, prosecutors and police fail to recognize is that expecting no compliance creates a self-fulfilling prophecy, rendering the system ineffective in family violence matters. They must acknowledge the danger in and dynamics of abusive relationships which can determine victim behavior, including dropping charges, while system procedures create difficulties for all actors.

COURT EVALUATION PROJECT METHODOLOGY

We collected data to assess IDVA implementation and evaluate the model court and its administrative process. However, the evaluation strategy was not fully developed until the court was opened. Thus a descriptive analysis examining essential questions about numbers and types of charges, continuances, length and types of dispositions, demographic characteristics of complainants and defendants, arrests and correlates of arrest was proposed.

Data were obtained from case tracking forms completed by court advocates on cases heard in the court from January 1984 to August, 1984. During that period advocates completed intake on 800 clients. This sample size was reduced to 515 by selecting all closed cases for analysis. These were selected because they provided the most complete data and because length of stay in court and final disposition were essential research questions. Concerns about internal consistency reduced the sample further: we used only the 289 cases coded and recoded, reviewed and accepted as correct.

There are limits to the information provided by this sample. For instance the eight month study period allowed adequate time for most cases to be closed (average length 42 days). However, certain kinds of cases may have been selected out, for example, cases in which arrest warrants against the defendant were outstanding. In fact when our sampling ended, between 125 and 150 cases were open due to outstanding warrants. This is of consequence because these may have involved very serious kinds of abuse or the defendants involved may have represented a more sophisticated, more court-wise defendant, one who might be at greater risk of a jail sentence if convicted.

The post-hoc evaluation plan creates another set of limits to these data: problems of missing data and a means to track all cases from initial police contact through referral to advocates and final disposition was never formalized. There were probably other cases heard in this court not seen by advocates, and in other courts. For example some arrests may have been diverted to police stations outside the experimental area. We do not know the actual number of domestic violence cases reported to police. Cases were also lost to the sample for a number of other structural and processing reasons, some of which skewed the sample towards non-arrest situations.[3]

SAMPLE CHARACTERISTICS

Table 1 shows the demographic characteristics of victims and defendants. Women were overwhelmingly the victims in our study; less than 5% were male. These findings are similar to others, in particular, National Crime Survey Data (Klaus and Rand, 1984) reports that in 91% of spousal violent crimes, the victims are women. The preponderance of minorities in the sample reflects the demographic characteristics of police districts cooperating with the Chicago court, though three of the more affluent white communities in the city were also part of the potential sample. Low income couples seem to predominate, but research over the years has shown that poor and minority groups are more likely to call police, to effect an arrest and to come before the courts. White, middle and upper class women may be more likely to use other resources to deter violence or opt for the civil route to protective orders. One attorney, a battered woman s service provider believes that white middle class women do use the courts in the suburbs (Landis, 1985).

Many characteristics of the accused are similar to those of the victim (Table 1). Males were slightly more likely to be employed than females though unemployment characterized more than half the parties. A number of the men also had prior contact with the courts (not in Table). Of the 106 cases with available data, 33% had been charged with previous domestic violence offenses; 8% had been charged with other misdemeanor offenses; 10% had other felonies, and 17% had multiple prior arrests for misdemeanors and felonies other than domestic violence.[4]

SERIOUSNESS OF ABUSE

Many victims reported long established abuse. Twenty-six percent reported being beaten periodically for five or more years; 36% reported the abuse started within the last year. Beatings were also frequent: 40% were beaten once a week or more; 26% were beaten more often than once a month.

We also categorized the violence according to mild, moderate and severe types. Though the categorization of violence is difficult and somewhat arbitrary, we scaled along a continuum similar to conventions

developed by Straus (1979).

MILD VIOLENCE=objects thrown, victim pushed,slapped,shoved,grabbed.
MODERATE VIOLENCE=hit with fist,hit with object,kicked, bitten.
SEVERE VIOLENCE=choked,thrown down stairs,beaten unconscious,threatened with a knife or gun,bones broken,life threatened,sexually abused.

Because the severe violence we encountered appears more often than that documented by national survey data (Straus, Gelles and Steinmetz, 1980) our categories differ from those used by Straus and associates. For example, our "moderate" category would be "severe violence" in the conventional usage of the Straus CTS scale. Some of the items in our severe violence category also do not appear in the CTS but were not uncommon in our sample (beaten unconscious, bones broken, sexually abused, thrown down stairs). The majority of abuse was categorized as moderate (46%) or severe (43%). Mild abuse was rare (11%). However, using the Straus schema 89% of cases would be considered as severe abuse.

In one case categorized as severe violence, the woman was beaten with a metal bat, hit with the abuser s fist, choked and stepped on. This victim also alleged that the defendant had previously sexually abused her 13 year old daughter. One victim was run over by a car driven by the offender. Another was beaten during her ninth month of pregnancy, resulting in a stillbirth. A gun or knife was used in 10% of the cases, though almost any object can become a weapon in the hands of an abuser.

THE COURT PROCESS [5]

One major purpose for evaluating the court was to assess IDVA s implementation. Though our conclusions are limited by the advocate sample (see discussion in note 3), we were interested in types of charges, convictions, and other court outcomes. We anticipated that a specialized court, housing CMBWN trained advocates, would cause IDVA s implementation to improve. We expected increased arrests, more protective orders issued, charges and dispositions reflecting the severity of the battering, increased conviction rates, and more victims pursuing cases to resolution. We were also interested in examining factors associated with court attrition.

ORDERS OF PROTECTION

In our sample, the majority (67%) of women received at least one ten day order of protection, while over a third (37%) were given "final" orders, usually for 1 year.* The most common provisions of orders, in order of frequency were: forbidding any form of abuse, giving temporary possession of the household to the victim, preventing child-snatching, and forbidding removal of or damage to the victim's property. Multiple provisions were ordered in almost half the cases. Temporary child-custody

and economic compensation to victims were very rarely awarded. It appears that criminal court judges consider the latter provisions matters for civil courts. They may also have been reluctant to impose economic burdens on what is largely a low-income population.

THE CHARGES

Eighty-seven percent of the sample cases involved a single charge. Eighty percent of the time the charge was simple battery. In those few cases in which mutiple charges were filed, charges other than battery (e.g., assault or criminal damage to property) were dismissed and only the battery was tried. Less than 2% of the charges were for aggravated battery, 11% were for assault, and 3% were for aggravated assault. There were a few charges for criminal damage to property, violations of orders of protection and criminal trespass.

There was an extremely low ratio of aggravated battery casesin which the abuse was classified as severe (43%). Though we should not have seen any felony cases because this was a misdemeanor court, our data suggest that inappropriate charges were filed in at least 13% of the cases. The following statement describes the advocate s version of an incident in which simple battery (a misdemeanor offense) was charged:

> He began yelling at his wife. He picked up a metal baseball bat and hit her on the legs. Then he punched her and choked her, slapped her around, and cut her on the right hand with a kitchen knife when she struggled with her husband to keep from getting stabbed. He also threw a wrench at her.

These findings suggest a continuation of past criminal justice system tendencies, categorizing family violence offenses as less serious than ones between strangers. A few cases in our sample went before the Felony Review Unit but each was rejected because no list of prior arrests of the accused could be found. One question indicated by our findings is if domestic violence victims are excluded from the felony courts unless one party is killed.

CORRELATES OF COURT OUTCOMES

Although research findings generally agree that there is a case attrition problem, no victim or abuser characteristics for cases dropped have been established. Lerman (1980:5) states that "The probability of victim cooperation is better predicted by the conduct of the prosecution than by the conduct of either the victim or the defendant." We examined the attrition problem by looking at its association with aspects of system response and also with victim/abuser characteristics.

In examining the association between characteristics of the parties and case attrition, only the relationship between family income and case dismissal was significant. That women s economic dependency is related to

maintaining abusive relationships has been previously documented (Allen and Straus, 1980; Reed et al, 1983; Straus Gelles and Steinmetz, 1980). This led us to examine the association between income levels and case dismissal by S.O.L. s.[7] Our information did not usually identify the source of income (victim, accused or joint) other than public assistance, we considered all income as family income. Over half of the families (56%) were on Public Aid.

Table 2 shows the very significant association ($p < .004$) between income status and case dismissal. Families with the lowest incomes have the highest rates of S.O.L. s and are more than twice as likely to drop charges than those of middle income families.

Although economic dependency only partially explains battered women s behavior, lack of economic resources exerts control over women by maintaining them in violent relationships. Though few men are actually jailed, women may fear loss of income as a consequence of incarceration or from retaliation. These concerns can co-exist with fears of violent reprisals.

Impoverished women may not perceive the courts as deterring violence or as a solution in their lives. Prior experience with the justice system may have taught them only the system s ineffectiveness. On the other hand, some women may believe a call to police or a 10 day order of protection deters future abuse. And, to some degree, orders of protection create an illusion of safety and reinforce idealistic hope that the abuse is permanently stopped. With a temporary cessation of the battering, these women may stop the criminal process. In this way, these women let the batterer know they mean business. For many women, this is enough, since their real goal is to end the violence.

Also examined were the characteristics of police-victim interaction for their association with court outcomes (See Kaufman Kantor et al, 1985). Most telling is that arrest of the offender at the scene of the crime is significantly ($p < .000$) associated with future victim cooperation. Non-arrest cases are more likely (72%) to be stricken.

Although our bivariate analysis does not allow for causal inference, one explanation of the arrest-S.O.L. relationship is that characteristics of victim behavior underly both these events. For example, it may be that victims more assertive with police and more insistent on arrest are simply more resolute individuals, less likely to quit the court process. Our previous research (Reed et al, 1983) indicated that only the most determined of women succeeded in convincing police of the need to arrest their abuser. A second explanation is that police arrest may interact with race or income status and victim behavior to affect outcome. For example, we found that arrests were much less frequent for low-income, minority men (39%) than for white men (61%).

THE OUTCOMES

That almost all victims of family violence drop cases is a common myth, often used as a rationale for minimizing response to these victims. We found that cases dropped (52%) only slightly exceeded those receiving a final disposition (48%). This represents considerable improvement over the findings of the CMBWN court-watching project, federal hearings and other researchers (Ford, 1983, Lerman, 1982).Lerman (1981) believes only specialized domestic violence court programs have dealt successfully with case attrition.

Of those cases receiving final dispositions, only 5% of the accused were found not guilty after a bench trial; 36% plead guilty; 10% were sent to jury in other courtrooms. Only 2% of the accused served time in jail, usually for time spent there while awaiting trial.

The most common sentence was supervision of the court for a period of six months to a year, often without reporting to the court, while being counseled by Court Social Services, often for alcohol counseling. This relatively mild sentence, akin to driving school in traffic cases, raises the question of whether or not court sanctions reflect the seriousness of the crimes or provide sufficient deterrence against future abuse. Some have suggested that just an encounter with the courts or the threat of jail may deter some battering men (Klein, 1982; Smith, 1983) but this has not been well established. Another inadvertant consequence of treatment type sanctions is the perpetuation of views that wife-battering is a problem of psychopathology (Klein, 1982) or is causally linked to alcohol abuse. The routine assignment of alcohol counseling may also be inappropriate. Cultural approval of violence may be a more important factor underlying wife abuse than excess drinking. ■

One example that patriarchal norms legitimating coercive control of women persist is provided by the following journalist s account of the Chicago court (Jaffe, 1986:88):

> The judge tells the husband, the defendant,that he is accused of battery--of striking the plaintiff his wife."I will read you the Order of Protection,"says the judge.It says,"You will refrain from striking, threatening, harassing or interfering with the personal liberty of the complaining witness. "Do you understand the order?" The defendant pauses, thinks it over. Then he says, "But judge,she's my wife!"

SUMMARY AND CONCLUSIONS

Social change processes and the history of the Illinois domestic violence reform movement suggest that de jure or legislative reform occurred only through the considerable, highly organized efforts of feminist attorneys and battered women's advocates. But new legislation alone was not sufficient to effect change. Defacto practices continued to legitimize violence in families. Minimal, inconsistent implementation and enforcement perpetuated the system's failure to treat family violence as criminal.In a later, even more favorable political climate, organized

women used their skill and expert power to create a specialized domestic violence court.

Analyzing advocate intake data on 289 court cases, we draw a number of conclusions. First, the expediency of court processing time favored women's safety. Secondly, the supportive environment of victim advocacy contributed to victim compliance with the system. Victims were no longer overtly discouraged from taking legal action but were encouraged to do so. Third, the low priority previously given domestic violence cases was precluded by the very nature of the specialized court. Moreover, compared to the findings of the court-watching project, IDVA implementation was much improved: arrests, issuance of protective orders and conviction rates rose.

However, there were latent dysfunctions (Caputo and OBrien Stevens, 1986) implicit to the nature of a misdemeanor court. Misdemeanors are, after all, less serious than felony offenses. This official categorization of the court may have blinded system actors, leading them to treat virtually all family violence cases as misdemeanors rather than felonies. We found lesser charges for a number of seriously violent cases, which suggests the continued trivialization of wife abuse and legitimation of coercive control of women. We question the appropriateness of family violence victims being blocked from the felony system except when one of the parties is killed.

Trivialization of family violence is also reflected in the court's sentencing practices. The usual dispositions were non-reporting supervision and diversion to social service or alcohol treatment programs. This raises questions of whether or not battering is sufficiently condemned by the court to create deterrence.

We believe all supervision and treatment mandates should be accompanies by reporting requirements with jail penalties for violation of these conditions. Furthermore, treatment regimens must consider that cultural approval of wife beating is a major issue in the resolution of family violence.

Victims still bear the brunt of responsibility for prosecution of these cases. If the victim fails to appear in court or withdraws her decision to press charges, the case is dismissed. This implies that wife abuse is not a crime against the state but a dispute between individuals. However, in a few other states prosecutors have adopted views and practices reflecting the state's responsibilities for these crimes (Lerman, 1981).

Finally, our findings on the economic marginality of so many families and the association of poverty with court outcomes suggests that court dispositions must consider the special needs of abuse victims, as well as the severity of the abuse, when disposing of these cases.

Although much beneficial social reform has occurred, continued vigilance by system members and by concerned groups isnecessary to insure

that reforms continue to be extended.

1. Most new domestic violence laws specify some form of protective order prohibitng through civil and/or criminal means, further harrassment or violence against victims of abuse.

2. Most police computers are reserved for criminal cases. In Pennsylvania, where legislation is civil and most domestic violence cases are held in civil courts, bench warrants resulting from these actions are not entered until the matter becomes criminal.

3. The advocates job, as first planned, was to interview every victim as she arrived in court. As the volume of cases grew, routing became a problem and some women walked directly into the courtroom without seeing the advocates first. If the state's attorney or the judge did not alert the victim to the presence of the project, she lost the opportunity for services. This situation also resulted in eligible cases being missed by advocates and consequently missing from our sample.

An inspection of police transmittal forms (documents which record the transmittal of arrests from police to the courts) for one half of the study period revealed that advocates saw less than one third the number of cases arrested by police. Of the total cases seen by the advocates, we suspect the majority were referred by the police warrant officer in the station housing the court. Women who came to the warrant officer represented victims in non-arrest situations. Therefore the sample is skewed towards the latter.

4. One example of multiple prior charges is the case of a heroin addict with a history of arrests and incarceration for narcotics use, armed robbery, and a charge of a violation of an order of protection. In another, the accused had a history of battery, weapons offenses, attempted murder and drug charges.

5. For a more complete discussion of the court process and our findings on the police and courts, see: Kaufman Kantor et al. 1985. YOU'VE GOT TO BE STRONG: EVALUATION OF THE CENTRALIZED DOMESTIC VIOLENCE COURT PROJECT OF THE CIRCUIT COURT OF COOK COUNTY. Chicago:Chicago Law Enforcement Study Group.

6. "Final" Orders of Protection are issued only at the final disposition of the case, after a finding of guilt.

7. S.O.L., or Stricken Off with Leave to Reinstate, is one possible means for prosecutorial dismissal of charges. It allows the prosecution to be resumed at a later date, if the complaining witness is available.

8. Kaufman Kantor and Straus's (1986) analysis of data on 3500 families found that although excessive drinking is associated with higher wife abuse rates, in the majority of families alcohol is not an immediate

antecedent of violence. When class factors and normative approval of violence were considered along with drinking, cultural approval of violence by men against women had the strongest association with wife abuse.

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Table 1

DEMOGRAPHIC CHARACTERISTICS OF VICTIMS AND DEFENDANTS (N=289)

Characteristic		Victims	Defendants
A. CHARACTERISTICS OF VICTIM AND OFFENDER			
Age	Range	11-80	17-76
	Mean	32	33 yrs.
Employed	Yes	45% (N=271)	47% (N=250)
Race	Black	38%	41%
	White	34%	29%
	Hispanic	24%	27%
	Other	4%	3%
		100% (N=280)	100% (N=274)
B. FAMILY CHARACTERISTICS			
Relationship (N=275)	Separated		34%
	Spouse		30%
	Cohabit		12%
	Divorced		10%
	Ex-Cohabit		8%
	Parent-Child		4%
	Siblings		2%
Children in family (N=225)	Yes		84%
	Range =		1-8
	Mean =		2
Family Income (N=156)	Public Aid		56%
	Under 4,999		5%
	5-10,999		14%
	11-16,999		13%
	17-25,000+		7%

Table 2

ASSOCIATION BETWEEN FAMILY INCOME AND CASE DISMISSALS (S.O.L.'s)

	Public Aid & under $4,999	$5-10,999	11-16,999	17-25,000
S.O.L.	74%	47%	30%	67%
No S.O.L.	26% (N=68)	53% (N=19)	71% (N=17)	33% (N=6)

Chi Square= 13.255, p .004 (missing cases= 179)